

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Probate Act of 1975 is amended by changing  
5 Section 11-5.4 as follows:

6 (755 ILCS 5/11-5.4)

7 Sec. 11-5.4. Short-term guardian.

8 (a) A parent, adoptive parent, or adjudicated parent whose  
9 parental rights have not been terminated, or the guardian of  
10 the person of a minor may appoint in writing, without court  
11 approval, a short-term guardian of an unmarried minor or a  
12 child likely to be born. The written instrument appointing a  
13 short-term guardian shall be dated and shall identify the  
14 appointing parent or guardian, the minor, and the person  
15 appointed to be the short-term guardian. The written instrument  
16 shall be signed by, or at the direction of, the appointing  
17 parent in the presence of at least 2 credible witnesses at  
18 least 18 years of age, neither of whom is the person appointed  
19 as the short-term guardian. The person appointed as the  
20 short-term guardian shall also sign the written instrument, but  
21 need not sign at the same time as the appointing parent.

22 (b) A parent or guardian shall not appoint a short-term  
23 guardian of a minor if the minor has another living parent,

1 adoptive parent or adjudicated parent, whose parental rights  
2 have not been terminated, whose whereabouts are known, and who  
3 is willing and able to make and carry out day-to-day child care  
4 decisions concerning the minor, unless the nonappointing  
5 parent consents to the appointment by signing the written  
6 instrument of appointment.

7 (c) The appointment of the short-term guardian is effective  
8 immediately upon the date the written instrument is executed,  
9 unless the written instrument provides for the appointment to  
10 become effective upon a later specified date or event. Except  
11 as provided in subsection (e-5) or (e-10) of this Section, the  
12 short-term guardian shall have authority to act as guardian of  
13 the minor as provided in Section 11-13.2 for a period of 365  
14 days from the date the appointment is effective, unless the  
15 written instrument provides for the appointment to terminate  
16 upon a different ~~an earlier~~ specified date or event as  
17 permitted by this Section. Only one written instrument  
18 appointing a short-term guardian may be in force at any given  
19 time.

20 (d) Every appointment of a short-term guardian may be  
21 amended or revoked by the appointing parent or by the  
22 appointing guardian of the person of the minor at any time and  
23 in any manner communicated to the short-term guardian or to any  
24 other person. Any person other than the short-term guardian to  
25 whom a revocation or amendment is communicated or delivered  
26 shall make all reasonable efforts to inform the short-term

1 guardian of that fact as promptly as possible.

2 (e) The appointment of a short-term guardian or successor  
3 short-term guardian does not affect the rights of the other  
4 parent in the minor. The short-term guardian appointment does  
5 not constitute consent for court appointment of a guardian.

6 (e-5) Any time after the appointment of a temporary  
7 custodian under Section 2-10, 3-12, 4-9, 5-410, or 5-501 of the  
8 Juvenile Court Act of 1987, and after notice to all parties,  
9 including the short-term guardian, as required by the Juvenile  
10 Court Act of 1987, a court may vacate any short-term  
11 guardianship for the minor appointed under this Section,  
12 provided the vacation is consistent with the minor's best  
13 interests as determined using the factors listed in paragraph  
14 (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

15 (e-10) A parent or guardian who is a member of the Armed  
16 Forces of the United States, including any reserve component  
17 thereof, or the commissioned corps of the National Oceanic and  
18 Atmospheric Administration or the Public Health Service of the  
19 United States Department of Health and Human Services detailed  
20 by proper authority for duty with the Armed Forces of the  
21 United States, or who is required to enter or serve in the  
22 active military service of the United States under a call or  
23 order of the President of the United States or to serve on  
24 State active duty, may appoint a short-term guardian for a  
25 period of longer than 365 days if on active duty service. The  
26 writing appointing the short-term guardian under this

1 subsection shall include the dates of the parent's or  
2 guardian's active duty service, and the appointment may not  
3 exceed the term of active duty plus 30 days.

4 (f) The written instrument appointing a short-term  
5 guardian may, but need not, be in the following form:

6 APPOINTMENT OF SHORT-TERM GUARDIAN

7 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

8 By properly completing this form, a parent or the guardian  
9 of the person of the child is appointing a guardian of a child  
10 of the parent (or a minor ward of the guardian, as the case may  
11 be) for a period of up to 365 days. A separate form should be  
12 completed for each child. The person appointed as the guardian  
13 must sign the form, but need not do so at the same time as the  
14 parent or parents or guardian.

15 If you are a parent or guardian who is a member of the  
16 Armed Forces of the United States, including any reserve  
17 component thereof, or the commissioned corps of the National  
18 Oceanic and Atmospheric Administration or the Public Health  
19 Service of the United States Department of Health and Human  
20 Services detailed by proper authority for duty with the Armed  
21 Forces of the United States, or who is required to enter or  
22 serve in the active military service of the United States under  
23 a call or order of the President of the United States or to  
24 serve on State active duty, you may appoint a short-term

1 guardian for your child for the period of your active duty  
2 service plus 30 days. When executing this form, include the  
3 date your active duty service is scheduled to begin in part 3  
4 and the date your active duty service is scheduled to end in  
5 part 4.

6 This form may not be used to appoint a guardian if there is  
7 a guardian already appointed for the child, except that if a  
8 guardian of the person of the child has been appointed, that  
9 guardian may use this form to appoint a short-term guardian.  
10 Both living parents of a child may together appoint a guardian  
11 of the child, or the guardian of the person of the child may  
12 appoint a guardian of the child, for a period of up to 365 days  
13 through the use of this form. If the short-term guardian is  
14 appointed by both living parents of the child, the parents need  
15 not sign the form at the same time.]

16 1. Parent (or guardian) and Child. I, (insert name of  
17 appointing parent or guardian), currently residing at  
18 (insert address of appointing parent or guardian), am a  
19 parent (or the guardian of the person) of the following  
20 child (or of a child likely to be born): (insert name and  
21 date of birth of child, or insert the words "not yet born"  
22 to appoint a short-term guardian for a child likely to be  
23 born and the child's expected date of birth).

24 2. Guardian. I hereby appoint the following person as  
25 the short-term guardian for the child: (insert name and  
26 address of appointed person).

1           3. Effective date. This appointment becomes effective:  
2 (check one if you wish it to be applicable)

3           ( ) On the date that I state in writing that I am  
4 no longer either willing or able to make and carry out  
5 day-to-day child care decisions concerning the child.

6           ( ) On the date that a physician familiar with my  
7 condition certifies in writing that I am no longer  
8 willing or able to make and carry out day-to-day child  
9 care decisions concerning the child.

10          ( ) On the date that I am admitted as an in-patient  
11 to a hospital or other health care institution.

12          ( ) On the following date: (insert date).

13          ( ) On the date my active duty service begins:  
14 (insert date).

15          ( ) Other: (insert other).

16 [NOTE: If this item is not completed, the appointment is  
17 effective immediately upon the date the form is signed and  
18 dated below.]

19           4. Termination. This appointment shall terminate 365  
20 days after the effective date, unless it terminates ~~sooner~~  
21 as determined by the event or date I have indicated below:  
22 (check one if you wish it to be applicable)

23           ( ) On the date that I state in writing that I am  
24 willing and able to make and carry out day-to-day child  
25 care decisions concerning the child, but not more than  
26 365 days after the effective date.

1           ( ) On the date that a physician familiar with my  
2           condition certifies in writing that I am willing and  
3           able to make and carry out day-to-day child care  
4           decisions concerning the child, but not more than 365  
5           days after the effective date.

6           ( ) On the date that I am discharged from the  
7           hospital or other health care institution where I was  
8           admitted as an in-patient, which established the  
9           effective date, but not more than 365 days after the  
10          effective date.

11          ( ) On the date which is (state a number of days,  
12          but no more than 365 days) days after the effective  
13          date.

14          ( ) On the date no more than 30 days after my  
15          active duty service is scheduled to end: (insert date  
16          active duty service is scheduled to end).

17          ( ) Other: (insert other).

18          [NOTE: If this item is not completed, the appointment will be  
19          effective for a period of 365 days, beginning on the effective  
20          date.]

21          5. Date and signature of appointing parent or guardian.  
22          This appointment is made this (insert day) day of (insert  
23          month and year).

24                  Signed: (appointing parent)

25          6. Witnesses. I saw the parent (or the guardian of the  
26          person of the child) sign this instrument or I saw the

1 parent (or the guardian of the person of the child) direct  
2 someone to sign this instrument for the parent (or the  
3 guardian). Then I signed this instrument as a witness in  
4 the presence of the parent (or the guardian). I am not  
5 appointed in this instrument to act as the short-term  
6 guardian for the child. (Insert space for names, addresses,  
7 and signatures of 2 witnesses)

8 7. Acceptance of short-term guardian. I accept this  
9 appointment as short-term guardian on this (insert day) day  
10 of (insert month and year).

11 Signed: (short-term guardian)

12 8. Consent of child's other parent. I, (insert name of  
13 the child's other living parent), currently residing at  
14 (insert address of child's other living parent), hereby  
15 consent to this appointment on this (insert day) day of  
16 (insert month and year).

17 Signed: (consenting parent)

18 [NOTE: The signature of a consenting parent is not necessary if  
19 one of the following applies: (i) the child's other parent has  
20 died; or (ii) the whereabouts of the child's other parent are  
21 not known; or (iii) the child's other parent is not willing or  
22 able to make and carry out day-to-day child care decisions  
23 concerning the child; or (iv) the child's parents were never  
24 married and no court has issued an order establishing  
25 parentage.]

26 (Source: P.A. 98-568, eff. 1-1-14; 98-1082, eff. 1-1-15.)